

EXHIBIT 1

1 KEKER & VAN NEST LLP
2 ROBERT A. VAN NEST - #84065
rvannest@kvn.com
3 CHRISTA M. ANDERSON - #184325
canderson@kvn.com
4 633 Battery Street
San Francisco, CA 94111-1809
5 Telephone: 415.391.5400
Facsimile: 415.397.7188

KING & SPALDING LLP
DONALD F. ZIMMER, JR. - #112279
fzimmer@kslaw.com
CHERYL A. SABNIS - #224323
csabnis@kslaw.com
101 Second St., Suite 2300
San Francisco, CA 94105
Tel: 415.318.1200
Fax: 415.318.1300

6 KING & SPALDING LLP
7 SCOTT T. WEINGAERTNER (*Pro Hac Vice*)
sweingaertner@kslaw.com
8 ROBERT F. PERRY
rperry@kslaw.com
9 BRUCE W. BABER (*Pro Hac Vice*)
1185 Avenue of the Americas
10 New York, NY 10036
Tel: 212.556.2100
11 Fax: 212.556.2222

IAN C. BALLON - #141819
ballon@gtlaw.com
HEATHER MEEKER - #172148
meekerh@gtlaw.com
GREENBERG TRAURIG, LLP
1900 University Avenue
East Palo Alto, CA 94303
Tel: 650.328.8500
Fax: 650.328-8508

12 Attorneys for Defendant
GOOGLE INC.

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

18 ORACLE AMERICA, INC.,

19 Plaintiff,

20 v.

21 GOOGLE INC.,

22 Defendant.

Case No. 3:10-cv-03561-WHA

**DECLARATION OF TIM LINDHOLM IN
SUPPORT OF GOOGLE'S MOTION IN
LIMINE # 1 TO EXCLUDE MR.
LINDHOLM'S AUGUST 6, 2010 EMAIL
AND DRAFTS THEREOF**

Judge: Hon. William H. Alsup

Date Comp. Filed: October 27, 2010

Trial Date: October 31, 2011

1 I, Tim Lindholm, state:

2 1. I have been employed since 2005 by defendant Google Inc. ("Google") as a
3 Software Engineer in the Systems Infrastructure group at Google.

4 2. I have knowledge of the facts set forth herein, and if called to testify as a witness
5 thereto could do so competently under oath.

6 3. I am the author of the August 6, 2010 email and drafts thereof that I understand
7 are the subject of Google's pending Motion in Limine #1. I submit this Declaration in support of
8 that motion.

9 4. When I wrote the August 6, 2010 email, all of the following was true:

10 a. I had never reviewed the patents asserted by Oracle in this lawsuit.
11 Moreover, I had no knowledge about what copyrights Oracle ultimately would claim were
12 infringed by Android, and had never reviewed any of the copyright registrations asserted by
13 Oracle in this lawsuit.

14 b. I had not reviewed any of the source code or implementation for the
15 aspects of the Android platform accused by Oracle in this lawsuit.

16 c. I did not have the legal training necessary to analyze whether the Android
17 platform infringes any of the patents or copyrights asserted by Oracle in this lawsuit.

18 d. I did not, in fact, undertake to analyze whether the Android platform
19 infringes any of the patents or copyrights asserted by Oracle in this lawsuit.

20 e. Accordingly, I had no opinion as to whether the Android platform
21 infringes any of the patents or copyrights asserted by Oracle in this lawsuit.

22 5. My August 6, 2010 email concerned alternatives to technology that Oracle had
23 recently accused Google of infringing. Again, I conducted no analysis of, and had no opinion
24 about, whether the Android platform actually infringes any of the patents or copyrights asserted
25
26
27
28

1 by Oracle in this lawsuit.

2 I declare under penalty of perjury that the foregoing is true and correct. Executed on
3 September 22, 2011.

4
5
6 By: 
TIM LINDHOLM